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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,778	11/18/2002	Bryan Metts	30GF-9121	2412
23465 7590 11/13/2007 JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740			EXAMINER HO, DUC CHI	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/065,778	Applicant(s) METTS ET AL.	
	Examiner Duc C. Ho	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|--|

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the APA, in view of Holmes et al. (US 6,636,749), hereinafter referred to as Holmes.

Regarding claim 1, the APA discloses a programmable logic controller (PLC) wireless communication system 10-fig.1.

providing a central processing unit (CPU) configured for a programmable logic controller (PLC) including a PLC module bus for coupling at least one PLC module to the CPU (a CPU (not shown) configured for PLC is mounted on the

Art Unit: 2619

CPU card 14-fig.1 for coupling at least one PLC module bus (not shown) so that the CPU could communicate with at least one PLC module 16-fig.1, see par. 0015);

the CPU is mounted on a backplane of a rack (the CPU (not shown) mounted on the CPU card 14 on a backplane 12-fig.1 of a rack);

The APA, however, does not expressly teach (1) a means for wireless radio frequency communications, and (2) the means and the CPU communicate without using the PLC module bus.

One skill in the art would recognize the advantage of employing a means i.e. such as a Bluetooth module, for wireless radio frequency communications. The Bluetooth module is mounted on the CPU of the PLC-fig.1, so that the modified CPU could communicate with the module connectors 16-fig.1 without using the PLC module bus, and thus providing the CPU capability to communicate with other module connectors belonging to another backplane within a rack.

Holmes discloses method and apparatus for providing power and wireless protocol capability to a wireless device, such as a wireless phone. The Bluetooth module 106-fig.2 includes a transceiver in order to facilitate the exchange of communication signals wirelessly between the module and the wireless phone 110-fig.1, see col. 5, lines 2-13.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the APA with Holmes.

Art Unit: 2619

The suggestion/motivation for doing so would have been to provide the CPU capability of a Bluetooth module in order to communicate with module connectors without using the PLC module bus for communication with other module connectors that belong to another backplane within a rack.

Therefore, it would have been obvious to combine the APA with Holmes to obtain the invention as specified in claim 1.

Regarding claims 2, and 20, as discussed in claim 1, the Bluetooth module 106-fig.1 of Holmes is to be mounted on top of the CPU and the CPU's card 14-fig.1 of the APA.

Regarding claims 3, 11, and 16, in Holmes the module 106-fig.1 provides a Bluetooth protocol transmitter/receiver.

Regarding claims 4, 12, and 17, in Holmes the module 106-fig.1 provides and IEEE 802.11 protocol transmitter/receiver.

Regarding claims 5, 13, and 18, in Holmes the module 106-fig.1 is capable of providing a cellular protocol transmitter/receiver.

Regarding claims 6, 14, and 19, in the APA the CPU (not shown) mounted on the CPU card-fig.1 constitutes a Network Interface Unit.

Regarding claim 7, this claim has similar limitations as claim 1. Therefore, it is rejected under the APA-Holmes for the same reasons set forth in the rejection of claim 1.

Regarding claim 8, as discussed in claim 1, the CPU of the APA and the Bluetooth module 106-fig.1 of Holmes are both mounted on a CPU card 14-fig.1 of the APA.

Art Unit: 2619

Regarding claim 9, this claim has similar limitations as claim 1. Therefore, it is rejected under the APA-Holmes for the same reasons set forth in the rejection of claim 1.

Regarding claim 10, as discussed in claim 1. The CPU communicates with a module connector 16-fig.1 connected to the backplane via a module bus, and at least other module connector.

Regarding claim 15, this claim has similar limitations as claim 1. Therefore, it is rejected under the APA-Holmes for the same reasons set forth in the rejection of claim 1.

Regarding claim 21, please see the rejection of claim 1. The Bluetooth module 106-fig.1 of Holmes mounted on the CPU-fig.1 of the APA could be configured in a rack in addition to a power supply, a CPU board, and a controlled input/output module.

Response to Arguments

4. Applicant's arguments filed 8-27-07 have been fully considered but they are not persuasive. A Bluetooth module taught by Holmes is coupled to the CPU for wirelessly communicating to a module connector without a PCL module bus.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2619

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.


7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner


Duc Ho

11-01-07